

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ROBERT BELL, JR.,

Plaintiff,

vs.

MICHAEL HAKALA, et al.,

Defendants.

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Case No. 1:10CV00125 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's July 29, 2011 "Request for Leave to File Declaratory Judgment" (#99). This document lists two case numbers in the caption — the case number for the instant case (1:10cv125) and the case number for a matter plaintiff filed on May 24, 2011 (1:11cv91). Between the two case numbers in the caption, plaintiff has typed "(AND CONSOLIDATE CLAIM)."

The document is somewhat difficult to discern; however, it appears that the plaintiff complains that he and other "similarly situated" inmates at the Southeast Correctional Center and the South Central Correctional Center are being denied "indigent assistance" with respect to legal supplies and copies. Plaintiff desires a declaration from the Court requiring that the Missouri Department of Corrections provide indigent inmates with free photocopies related to legal matters, typing supplies, file folders, and other office supplies.

To the extent plaintiff seeks an injunction relating to matters not at issue in his complaint, the Court must deny the motion. *See Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) ("A court issues a preliminary injunction in a lawsuit to preserve the status quo and prevent irreparable harm until the court has an opportunity to rule on the lawsuit's merits. Thus, a party

moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint.").

Plaintiff's motion is all the more confusing because it references case number 1:11cv91 in the caption. These cases have not been consolidated. In addition, case number 1:11cv91 does not appear to address any of the issues raised in plaintiff's motion (#99), either. If plaintiff would like to pursue the matters raised in his motion (#99), he must file a new case. The Clerk shall therefore send plaintiff a blank complaint form.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff's July 29, 2011 "Request for Leave to File Declaratory Judgment" (#99) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a blank complaint form.

Dated this 13th day of September, 2011.


UNITED STATES DISTRICT JUDGE